IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

C.W.P. No. 18693 of 2006
Date of Decision: Nov.27,2006

Mahabir Parshad and others ..... Petitioners

Versus

The State of Haryana and others ..... Respondents

Coram: Hon'ble Mr. Justice Ashutosh Mohunta
Hon'ble Mrs. Justice Nirmal Yadav

Present: Mr. Shailendra Jain, Advocate
for the petitioners.

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ASHUTOSH MOHUNTA, J.

The petitioners have prayed for quashing of the notifications issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short `the Act') dated 26.8.2003 and 10.8.2004 (Annexures P-5 and P-7) respectively as also the order dated 16.10.2006 (Annexure P-15) passed by respondent No.2 vide which land measuring 22 marlas out of total land measuring 34 marlas has been acquired.

Vide notification dated 26.8.2003 issued under Section 4 of the Act the lands mentioned in the notification-Annexure P5 were sought to be acquired for a public purpose, namely, for the development and utilization of land for residential, commercial, institutional, Green Belt in Sectors 24, 25, 25-A at Gurgaon. The petitioners filed their objections under Section 5A of the Act which were dismissed and thereafter declaration was issued under Section 6 of the Act. The petitioners filed Civil Writ Petition No. 15818 of 2004 challenging the acquisition of their lands which was disposed of with a direction on the statement made by the Advocate General, Haryana, that the case of the petitioners shall be heard by a High Powered Committee who will decide the matter afresh. The petitioners were heard by a High Powered Committee and the committee vide its order dated 16.10.2006

(Annexure P-15) rejected the plea of the petitioners for release of their lands.

A perusal of the order-Annexure P15 shows that HUDA has plans to provide public conveniences on the Gurgaon-Mehrauli road. The land of the petitioners is required for providing pocket as a Traffic Aid Post in the lay out plan. The Committee was of the opinion that as there is a lot of traffic congestion on the Gurgaon-Mehrauli road, hence, there is a need to acquire the land.

Counsel for the petitioners contends that at the time of issuance of the notifications under Sections 4 and 6 of the Act it was no where proposed that a Traffic Aid Post would be required in the lay out plan.

We are unable to accept this argument of the petitioners as the lands of the petitioners were acquired for a public purpose, namely, for utilization of the land for residential, commercial, institutional and green belt. Every small item which is required for the aforementioned public purpose need not be spelt out in the notification issued under Section 4 of the Act.

Apart from the above, the entire acquisition proceeding is complete as the award has also been passed. Moreover, the petitioners have a very small piece of land which is required for the public purpose as mentioned in the order-Annexure P15. The petitioners have been heard by the High Powered Committee constituted by the State of Haryana and there is no ground to quash the impugned notifications.

Resultantly, we find no merit in the writ petition and the same is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

27.11.2006
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(NIRMAL YADAV)
JUDGE